

# *W.G. & S.J.Dell Ltd.*

## *Wholesale Shellfish Sales*

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To:

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From:

WG & SJ Dell Limited

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[REDACTED]  
[REDACTED]

Subject: Licence Type Request to Change - Response to Clarification Request

Dear Dr Wright,

Thank you for your letter dated 21 July 2025 requesting further clarification regarding our application to change from a non-transitional to a transitional licence. Please find our responses to the three requested points below:

1. The reason that we decided to apply for a non-transitional licence

As explained in our recently submitted TECFO-001a form, our understanding of TECFO 2024, as originally made, formed the core of our decision to apply for a non-transitional licence.

At the time of applying we were aware that there were likely to be more applications made than the number of licences available. On reading TECFO 2024 we understood that the restriction outlined in article 5(12) would limit how many transitional licences could be granted to the existing TECFO 1994 licence holders, some of whom we knew were companies with shared officers and shareholders. Based on this, we believed that the

restrictions in Article 5(12) would increase the number of places available to non-transitional applicants, making this route a more realistic and strategic option for our business.

Additionally to this, as a small, family-owned business, we felt it was important to consider the wider business implications of applying for a transitional period licence. In particular Articles 6(6) and 6(7) of TECFO 2024, which restrict the continuation of the licence in the event of changes to legal or beneficial ownership, or in the event of the death of the licence holder. We were concerned to ensure the continued operation of the business should anything happen to the directors, not just for ourselves, but for our employees and their families, who rely on the stability of our business for their livelihoods.

Similarly, we felt that a non-transitional licence provided for greater business stability. A non-transitional licence is personal to the applicant company. To potentially obtain further investment, licence stability would be paramount, particularly in discussions with banks. Even though we have never before sought outside financing we felt that it was vital to keep all options open.

To reiterate, had Article 5(12) not precluded companies with common officers or shareholders from each holding a transitional licence, we would have made entirely different decisions. Our understanding of TECFO 2024 as originally made was the primary driver of our application choice. We viewed TECFO 2024, as passed into law, as the foundation upon which all licensing decisions would be based.

The business considerations outlined above were important, but they were secondary and only became meaningful in the context of the legal framework we believed would be enforced. Our confidence in applying for a non-transitional licence was then further supported by the structure and scoring set out in the Management Plan.

## 2. Extent to which the Management Plan influenced our decision

The Management Plan, particularly the description of the evaluation process given in Annex 3 and the scoring table provided in Annex 4, played a reinforcing role in our decision, but this was subordinate to our understanding of TECFO 2024, as originally made, and our wider business considerations.

Annex 3 of the Management Plan explained that applications would be verified and information supplied would be checked. Annex 4 showed that 'Experience & Track Record' was the highest-weighted scoring category in the non-transitional application process. Given our long history of operating within the Thames Cockle Fishery we were confident that we were a strong candidate to compete successfully within the applicant pool.

Again, to reiterate, our understanding of the Management Plan contributed to our willingness to proceed through the non-transitional route, but was not the primary driver in our decision making process. Our decision to apply for a non-transitional licence was primarily driven by the legal restriction set out in Article 5(12) and how it would reduce competition among transitional applicants.

### 3. When we first became aware of Article 5(12) and its effect

We first reviewed the Thames Estuary Cockle Fishery (No. 2) Order 2024 when it was circulated to us by KEIFCA shortly after publication at the end of 2024 (email from Debbie O'Shea dated 9 December 2024). On reading the Order at this time we noted Article 5(12) and understood that it restricted the award of multiple transitional licences to companies with common officers or shareholders. As mentioned, this then directly influenced the decision that we made to submit a non-transitional licence application on 15 January 2025.

### Closing

In summary, our original application decision was made predominantly due to our understanding of TECFO 2024, as originally made, following our receipt of the Order in December 2024. Wider business considerations played a role as a secondary contributing factor and the details included in the Management Plan reinforced our willingness to proceed.

Now that Article 5(12) has been varied the competitive landscape and risk profile have changed materially. For that reason, and consistent with the Authority's stated intention not to prejudice eligible applicants who were disadvantaged by the variation order, we respectfully request to change the type of licence we have applied for.

We understand that the Authority will consider our prior correspondence as part of this request. While the original TECFO-001 application form was prescriptive in nature and did not provide space for applicants to explain their rationale for choosing a particular licence type, our concerns about the interpretation and enforcement of Article 5(12) were made clear as soon as the licence allocation results were communicated. To that end, we would highlight that our original objection letter (dated March 2025) raised concerns about the application of Article 5(12), specifically in relation to multiple transitional licences appearing to be offered to companies with shared officers. This issue has been consistently referenced in all subsequent written communications.

Please let me know if any further information would assist the Authority in making a decision.

Yours Sincerely,

Steven Dell  
For and on behalf of WG & SJ Dell Limited